

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 20 April 2005

Division: Growth Management

Bulk Item: Yes X No

Department: Marine Resources

Staff Contact: George Garrett

AGENDA ITEM WORDING:

Approval for staff to pursue a sub-lease agreement with the State Office of Greenways and Trails for partnership and management of the "Swimming Hole" property on Big Pine Key for development as a passive recreational park.

ITEM BACKGROUND:

The 'Swimming Hole' property on Big Pine Key is a disturbed, scarified property with a deep boat basin and narrow, shallow entrance. The property has been used for decades by local residents as a recreation area and by liveaboard boaters as an access point to the island. In 2003 the Division of State Lands leased the property to the U.S. Fish and Wildlife Service (USFWS). The USFWS subsequently placed a gate on the property and had expressed an interest in returning the property to its historical wetland character. Early last year discussions began about the possibility of returning management of the property to the County as a passive recreation site for Big Pine and the lower Key. The Department of Marine Resources developed conceptual descriptive plans for the site as a passive recreational park, which provides for the needs of the Department, the Overseas Heritage Trail Program, as well as the residents of Big Pine Key. The Department has been coordinating a transfer of lease from the USFWS to the County for the past year. The Division of State Lands now indicates that it is amenable to leasing the property to the Office of Greenways and Trails, which will in turn sub-lease the property to Monroe County. The Sub-lease should come to the County for approval at either the May or June BOCC meeting. When the lease is approved, Public Works will become the manager of the property as a passive recreation park. Acquisition of the property and development as a passive recreation facility is consistent with the planning efforts underway on Big Pine, specifically the HCP. Planning, engineering, and funding will have to be budgeted in future years in order to manage the park.

PREVIOUS RELEVANT BOCC ACTION:

December 17, 2003 – discussion and direction to pursue management authority for the County

CONTRACT/AGREEMENT CHANGES:

NA

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: None

BUDGETED: Yes No

COST TO COUNTY: None

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No X AMOUNT Per Month Year

APPROVED BY: County Atty NA OMB/Purchasing NA Risk Management NA

DIVISION DIRECTOR APPROVAL: 
Timothy McGarry, Director of Growth Management

DOCUMENTATION: Included X To Follow

DISPOSITION:

AGENDA ITEM NO.:



Department of Environmental Protection

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

March 31, 2005

Richard Jones
Department of Marine Resources
2798 Overseas Highway, Suite 420
Marathon, Florida 33050

RE: Swimming Hole Property, Monroe County

Dear Richard:

A sublease is currently being prepared for the above mentioned property; however, your agency will need interim management authority for the 5.3-acre parcels until a lease can be completed. Please consider this letter authorization for Monroe County (County) to enter on state-owned lands for the purpose of interim management. This authorization in no way waives the authority and/or jurisdiction of any governmental entity, nor does it disclaim any title interest the State may have in this project.

The County, its agents and contractors agrees to protect, indemnify and hold harmless the State of Florida Board of Trustees of the Internal Improvement Trust Fund (Trustees) from any and all claims, demands, and causes of every action of every kind and character (including the amounts of judgments, penalties, interests, court costs and legal fees incurred by the Trustees or Department of Environmental Protection in defense of same) arising in favor of governmental agencies or third parties (including employees of the County, its agents and contractors) as a result of claims, personal injuries, deaths, or damages to property, without limitations by enumeration, all other claims or demands of every character occurring or in any way incident to , in connection with or arising out of the work to be performed by the County, its agents and contractors.

For this authorization to be valid, a representative of the County will need to sign below and return this letter to my attention at the letterhead address (directed to Mail Station 130). By signing this letter, the County agrees to assume all liability in case of injury related to activities of the County employees, contractors, or any volunteers while on state property. This authorization shall take effect on the date of execution by the County and shall continue until the sublease is executed.

Sincerely,

Gloria C. Nelson, CPM
Operations and Management Consultant Manager
Bureau of Public Land Administration
Mail Station 130

GCN/jw

NAME OC COMPANY

By: _____ Date: _____

Title: _____